



25 JUL 2006

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In re Application of	:	
GSCHIERMEISTER, et al.	:	
Application No.: 10/562,380	:	
PCT No.: None	:	DECISION ON PETITION
Int. Filing Date: None	:	
Priority Date Claimed: 29 December 2004	:	UNDER 37 CFR 1.182
Attorney Docket No.: 6741P089	:	
For: CHANGE NOTIFICATION AGENT	:	

This decision is in response to applicant's letter filed 20 January 2006 in the United States Patent and Trademark Office (USPTO). The letter is being treated as a petition under 37 CFR 1.182. As authorized, the \$400.00 petition fee is being charged to deposit account number 02-2666.

BACKGROUND

On 23 December 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 20 January 2006, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION


The petition states that the 23 December 2005 correspondence inadvertently filed the national stage transmittal letter Form PTO-1390. The petition requests the Form PTO-1390 be substituted with the utility transmittal letter Form PTO/SB/05 attached to the petition.

Pursuant to 35 U.S.C. 111(a)(4), the filing date of an application shall be the date on which the specification and any required drawing are received in the USPTO. In the present case, the papers submitted on 23 December 2005 contained a specification and drawings. Thus, the 23 December 2005 submission is entitled to a filing date under 35 U.S.C. 111(a).

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED**.

This application is being forwarded to the Office of Initial Patent Examination (OIPE) for entry of the utility transmittal letter Form PTO/SB/05 and processing of the present application as a filing under 35 U.S.C. 111(a).



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